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10/575,597	04/13/2006	Thierry Aubert	FR-AM 1982 NP	1566
31684 7590 11/18/2009				
ARKEMA INC. PATENT DEPARTMENT - 26TH FLOOR 2000 MARKET STREET PHILADELPHIA, PA 19103-3222				
EXAMINER				
BOYLE, ROBERT C				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
11/18/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/575,597

Applicant(s)

AUBERT, THIERRY

Examiner

ROBERT C. BOYLE

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Any rejections stated in the previous Office Action and not repeated below are withdrawn. In particular, the objections regarding the multiple dependent claims and the 112 rejections are withdrawn in view of the amendments made.
3. No new grounds of rejection have been introduced, therefore this action is properly deemed FINAL.

Claim Rejections - 35 USC § 103

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ecsedy** (US 3,968,062).
4. The rejection is adequately set forth in paragraphs 6-16 in the office action mailed on December, 17, 2009 and is incorporated here by reference.
2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ecsedy** (US 3,968,062) in view of **Rowland** (US 5,326,828).
3. The rejection is adequately set forth in paragraphs 17-22 in the office action mailed on December, 17, 2009 and is incorporated here by reference.

Response to Arguments

5. Applicant's arguments filed June 18, 2009 have been fully considered but they are not persuasive.
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the accelerating affect and EPDM rubbers) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
7. Applicant argues that the present applicant has evidence of unexpected 'speed'. This is not persuasive.
8. Typically, evidence of unexpected results is used to show that a range or property is not obvious. It is noted that the argument presented by the Applicant argues the speed is unexpected, and the speed is not claimed.
9. Applicant points to the examples in the specification to show unexpected results. However, only two comparative examples are present, example 3 uses product (I) alone, and example 4 uses formula (II) alone. This does not amount to unexpected results because Applicant has merely shown that the addition of a cure accelerator, urea, to a curing agent, product (I), results in an increased speed. However, Ecsedy teaches cure accelerators can be used (col. 4, ln. 6-13) and it would be obvious that a cure accelerator would increase the speed of the reaction because 'accelerate' means to increase the speed.

10. As the evidence provided in the specification does not amount to unexpected results, applicant's argument is not persuasive.

11. Applicant argues that it would not be obvious to replace the sulfur in the thiourea taught by Ecsedy with an oxygen to satisfy claim 1, because Ecsedy discloses only using sulfur containing materials as accelerators/co-vulcanization agents. This is not persuasive because Ecsedy teaches using phenol formaldehyde resins (col. 4, ln 11-13) in which sulfur is not present, but rather are oxygen based. Therefore, Applicant has not overcome the prima facie case of obviousness presented in the previous Office Action.

12. Applicant argues that because Rowland teaches each component is critical, one of ordinary skill in the art would not have used the urea alone, but with the TBTDS package. This is not persuasive.

13. The instant claims make use of the transition phrase "comprising" which allows for additional ingredients to be present. Therefore, the combination of the t-butylphenol polysulfides of Ecsedy with the TBTDS/urea/sulfur package of Rowland reads on the instant claims because the claimed limitations, t-butylphenol polysulfides and urea, are present. Therefore, Applicant's argument is not persuasive.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. BOYLE whose telephone number is (571)270-7347. The examiner can normally be reached on Monday-Thursday, 9:00AM-5:00PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 1796

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Supervisory Patent Examiner, Art Unit 1796